

SB X7 6 (Steinberg) – November 2, 2009
2009 Delta & Water Reform Legislation
SUMMARY: Groundwater Elevation Monitoring

SUMMARY: Establishes statewide groundwater monitoring program. Specifically, this bill would:

- 1) State legislative intent to have systematic monitoring and public reporting of groundwater elevations (*i.e.*, distance from surface to water) in all groundwater basins and subbasins.
- 2) Provide for local groundwater management entity to monitor groundwater elevations:
 - a) Require entities that volunteer for groundwater monitoring to notify the Department of Water Resources (DWR) as to its interest, with specified information.
 - b) Require DWR to consult with interested parties to determine which entity would monitor, based on certain priorities, if more than one entity volunteers for monitoring.
 - c) Require DWR to identify the extent of groundwater monitoring in each basin.
 - d) Require DWR to work with well owners in areas that are not monitored to determine interest in groundwater monitoring.
- 3) Potential monitoring entities would include:
 - a) A watermaster appointed by a court
 - b) A groundwater management agency with statutory authority to manage
 - c) A water replenishment
 - d) A local agency that is managing all or part of a groundwater basin or subbasin pursuant what are known as AB 3030 plans
 - e) A local agency that is managing all or part of a groundwater basin or subbasin pursuant to an integrated regional water management plan that includes a groundwater management component
 - f) A county
 - g) A voluntary cooperative groundwater monitoring association
- 4) Require DWR to work with each monitoring entity to determine appropriate manner of reporting groundwater elevations.
- 5) Require start of groundwater elevation monitoring on January 1, 2012, and makes such information publicly available through specified means.
- 6) Require DWR to identify extent of monitoring, by 2012, and determine, in basins without monitoring, if there was a local party willing to conduct the monitoring or interest in developing a groundwater management association or plan.

- 7) If DWR determined that all or part of a groundwater basin or subbasin was not being monitored, then DWR shall:
 - a) Identify any existing monitoring wells that overlie the basin or subbasin that are owned or operated by the department or any other state or federal agency.
 - b) Determine whether the identified monitoring wells provide sufficient information to demonstrate seasonal and long-term trends in groundwater elevations.
 - c) If the DWR should determine that the identified monitoring wells provide sufficient information, DWR would not perform groundwater monitoring functions
 - d) If the DWR should determine that the identified monitoring wells insufficient information to demonstrate seasonal and long-term trends in groundwater elevations, and the State Mining and Geology Board concurs with that determination, the department would perform groundwater monitoring functions
- 8) Upon determining that DWR is required to perform groundwater monitoring functions:
 - a) DWR shall notify the affected parties that it is forming the groundwater monitoring district.
 - b) DWR shall impose a charge on each well owner for its share of the costs of the department to perform the groundwater monitoring required under this part.
- 9) For purposes of this bill, neither any of the entities identified in (3) above, nor DWR, shall have the authority to do either of the following:
 - a) To enter private property without the consent of the property owner.
 - b) To require a private property owner to submit groundwater monitoring information to the entity.
- 10) Require DWR to update groundwater report by 2012, and in years ending in 5 and 0.
- 11) Bars counties and specified agencies overlying groundwater basins that do not comply with groundwater monitoring requirements from receiving state water grants or loans.

EXISTING LAW allows voluntary, cooperation in management of groundwater basins, but does not provide for any reporting of groundwater elevation. State Water Resources Control Board has authority to protect groundwater quality.

COMMENTS: These provisions would establish a statewide groundwater monitoring program to ensure that groundwater elevations in all groundwater basins and subbasins be regularly and systematically monitored locally and that the resulting groundwater information be made readily and widely available.

In the past five years, the Legislature has approved three bills to improve the State's access to groundwater information, but the Governor vetoed all three. In intervening years, groundwater problems have grown worse, in part because California is the last western state without any state groundwater management. California has very little information about the conditions of its groundwater basins. Excessive pumping in the last century has led to substantial subsidence, as much as 55 feet in some areas. Recently, for example, on the west side of the San Joaquin Valley, where allocations of Delta water from the federal Central Valley Project were minimal, farmers responded by pumping more groundwater. DWR then reported that the State Water Project's canal, which passes through the area on its way south,

may suffer cracks because of the high level of pumping and resulting slumping of the ground under the canal.